

REMARKS

Claims 19-30 were pending.

Claim 21 is withdrawn.

Claims 19, 20 and 22-30 are rejected.

Claims 31 and 32 are new.

Claims 19-32 are pending.

Claims 19-20 and 22-30 are amended.

Claims 19-32 are pending.

**New Claims 31 and 32**

Claims 31 and 32 are supported by original claims 19 and 20 respectively.

No new matter is added.

**Amended Claims 19-20 and 22-30**

**Claim 19 is amended to read:**

"A polymer material comprising components (a) and (b) in form of a fiber, textile, nonwoven or film is contained on or visibly below the surface of a protective clothing, a mask or an irradiation indicating tag".

Furthermore claim 19 has been amended to require that the protective clothing, mask or irradiation indicating tag undergo an irreversible color change upon exposure to irradiation.

Support for these amendments reside in original claim 19 and page 50, lines 16 -25 of the specification.

Dependent claims 20, 22-30 have been made consistent with claim 19 and also refer to "The polymer material".

No new matter is added.

**35 USC 112, second paragraph**

**Claims 19-20 and 22-30 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

111

The applicants find the above rejection by the examiner confusing.

The examiner states "The claim should refer to only one of protective clothing, mask and irradiation indicating tag" on page 2, item 4 of the Office Action of 07/14/2008.

Alternative, embodiments within a claim are perfectly acceptable patent practice.

The applicants have amended claim 19 to require that the claim is now directed to a polymer material comprising components (a) and (b) with a required form (fiber, textile, nonwoven or film) which is contained on or visibly below the surface of a protective clothing, a mask or an irradiation indicating tag.

The term "mask" is not mentioned in the disclosure but is claimed. As the claims are part of the disclosure, applicants are amending the specification to include the term "mask". Thus applicants have amended page 50 of the disclosure as above.

No new matter is added.

The applicants believe the present rejection is overcome in light of the present amendments to claim 19, and to the specification.

**35 USC 103(a)**

**Claims 19-20 and 22-29 are rejected under 35 USC 103(a) as being unpatentable over Hayashihara, US 5,824,715 in view of Greer, US20020057881.**

The present amending of claim 19 now make the protective clothing, mask or irradiation indicating tag structurally part of the claim requirement. Furthermore the articles must undergo an irreversible color change upon exposure to irradiation.

As there is no suggestion by either Hayashihara or Greer in combination or separately to provide a polymer material comprising components (a) and (b) in the form of a fiber, textile, nonwoven or film which is contained on or visibly below the surface of a protective clothing, a mask or an irradiation indicating tag, claim 19 is unobvious in light of these two references. As claims 20 and 22-29 depend from claim 19, and contain all the limitations of claim 19, they are also unobvious in light of Hayashihara and Greer.

**Claim 30 is rejected under 35 USC 103(a) as being unpatentable over Hayashihara, US 5,824,715 in view of Greer, US2002/0057881 as applied to claim 19 above and in further view of Fujikura, US 5,030,548.**

Claims 30 has been amended to be independent. Claim 30 requires components a) and b) and is directed to a "process for monitoring irradiation by X-ray or radioactive material". A process for monitoring irradiation by X-ray or radioactive material is not suggested in anyone or any combination of the cited references. Thus applicants submit that claim 30 is unobvious.

Furthermore as claim 31 is a further limited version of claim 30, claim 31 is also unobvious in light of the above references.

Reconsideration and withdrawal of the rejection of claims 19-20 and 22-30 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 19-20 and 22-32 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Ciba Specialty Chemicals Corporation  
540 White Plains Road  
Tarrytown, New York 10591  
(914) 785-2768  
SAL22811R2.doc

Sheila A. Loggins  
Agent for Applicants  
Reg. No. 56,221